

REMARKS

Claims 1-18 are pending and rejected in this application. Claims 1, 4, 7 10, 13, and 16 are amended and claims 3, 9, and 15 are cancelled without prejudice or disclaimer.

Claims 7-18 are rejected under 35 U.S.C. 101. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph. Claims 1-5, 7-11, and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz et al., U.S. Publication 2007/0011314 (“Horvitz”), in view of Foladare et al., U.S. Patent 6,311,210 (“Foladare”). Claims 6, 12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz and Foladare, in view of Singh, U.S. Patent 6,405,035 (“Singh”).

With regard to the §101 rejections, Applicants submit the amendments to claims 7 and 13 render the rejections moot and they should be withdrawn.

With regard to the §112 rejections, Applicants submit the amendments to claims 1, 7, and 13 render the rejections moot and they should be withdrawn.

Applicants further submit the cited references do not teach or suggest at least a method for forwarding messages, comprising storing in a trend analysis table the result of the statistical trend analysis performed, wherein said trend analysis table further comprises a user override location that indicates probabilities of successful contact for each location are to be ignored and the override location is to be used for contact (*e.g.*, as described in claim 1).

The Office Action asserts Horvitz teaches the relevant limitations, citing paragraphs [0063], [0079], and [0080]. *See* Office Action dated 9/21/2007, paragraph 15. Applicants disagree.

With regard to paragraph [0063], the Office Action further asserts: “User context store can be edited and modified by user”. The relevant portion of paragraph [0063] to which the

Office Action is presumably referring is: “The user context module 304 determines a user’s current context, based on the context information sources 306 as published to the whiteboard 307; the user context profile store 305 stores the context parameters for a user, such as the default context settings for the user, which can be edited and modified by the user.” The relevant section describes that a user may edit and modify context parameters. The term “context parameter” is only mentioned this once through out the application, and is not further explained anywhere. Applicants submit, as is understood by one of skill in the art, editing and modifying a generic “parameter” is not the same as a trend analysis table further comprises a user override location that indicates probabilities of successful contact for each location are to be ignored and the override location is to be used for contact (*e.g.*, as described in claim 1).

The description in paragraphs [0079] and [0080] fail to teach or suggest at least the relevant limitations for similar reasons. Paragraphs [0079] (steps 500-504) and [0080] (steps 508-510) are directed to a method employing the notification architecture embodiments of Horvitz. They do not describe, for example, a user override location that indicates probabilities of successful contact for each location are to be ignored and the override location is to be used for contact, and indeed overrides (even generally) anywhere. Applicants submit the Horvitz reference as a whole, including the cited sections, fails to teach or suggest the relevant limitations.

Foladare fails to make up for the deficiencies of Horvitz. Foladare is directed to sending email to a receiving party by utilizing a profile information from profile database. However, it does not describe at least a trend analysis table further comprises a user override location that indicates probabilities of successful contact for each location are to be ignored and the override location is to be used for contact.

Singh also fails to make up for the aforementioned deficiencies. Singh is directed to a system of forwarding messages to a subscriber wherein upon receipt, the host server will receive a signal indicating receipt after which the message is deleted from the other devices to which it was sent to ensure redundant messages are not received by the subscriber. It does not describe at least a trend analysis table further comprises a user override location that indicates probabilities of successful contact for each location are to be ignored and the override location is to be used for contact.

Therefore, since for at least the reasons described above, none of the cited references teach or suggest each and every limitation of claim 1, the rejection is lacking and should be withdrawn. Applicants submit claim 1 is allowable, and independent claims 7 and 13 are allowable for similar reasons. Claims 2, 4-6, 8, 10-12, 14, and 16-18 are allowable at least for depending from an allowable base claim.

It is believed that this Amendment places the application in condition for allowance, and early favorable consideration of this Amendment is earnestly solicited. If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Serial No. 09/891,167
Office Action dated September 21, 2007
Amendment dated March 20, 2008

The Examiner is hereby authorized to charge the appeal brief fee of **\$500.00** and any additional fees which may be necessary for consideration of this paper to Kenyon & Kenyon Deposit Account No. **11-0600**.

Respectfully submitted,

KENYON & KENYON LLP

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